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THE

PLEBEIAN.

To be continued Weekly.

N^o I.

*Considerations upon the Reports relating
to THE PEERAGE.*

Quisquis erit vitæ scribam color. Horat.

By a Member of the House of COMMONS.

THE FOURTH EDITION.

L O N D O N :

Printed for S. POPPING at the Black Raven in Paternoster-
Row. 1719. (Price 6 d.)

Where Letters are taken in, directed for the *Plebsian*.

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—*Hoc misera Plebi—commune Sepulchrum.* Hor.



 L L Men in high Stations have their Enemies, who are ready to suggest on every Occasion, whatever may tend to lessen their Credit, and make them odious to the Publick. The Persons at present in great Authority have been pursued by this Evil Spirit; but it would be unjust to give too easy a Belief to the Insinuations of malicious People. At the beginning of this Session it was reported with much Assurance, that a wonderful Discovery was made, that all the Charters of *England* were forfeited into the Hands of the Crown; and this happy Incident, as they called it,

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was to afford an Opportunity of introducing a Law much for the publick Service: But this was so far from being true, that the Bill which came down from the House of Peers was a Confirmation of the Charters, without so much as a Declaration of any Forfeiture. Perhaps it might have been true, that some little Lawyer had found out some mean Chicane in Law, worthy enough of the Pursuit of such a Person, in a private Corporation-Squabble; but such a Project, in order to a universal Forfeiture, could never have Weight with any judicious Man whatever. Nobody could be so very a Novice in Business, or so extravagant in Politicks, as to put his Majesty upon an Undertaking, which contributed more towards the Ruin of King *James* than any one thing, or perhaps than every thing else besides. When this Report was blown over, the next thing insinuated to the Publick was a Design of making a Jest of what Justice has been accidentally done to the Nation, by repealing the Attainder of one of the greatest Offenders of the late Reign. 'Tis very certain no such Attempt will be now made: There has been a just Indignation shewn already at the bare mention of it, and it is unfair to charge any particular Person with having had any such Intention; much less should a scandalous Discourse gain Credit, that any great Officer belonging to his Majesty would correspond abroad with an attainted Fugitive, intercede for him at home, and even prostitute the Character of an Ambassador so low, as to become the Messenger of a Traitor. These two

unjust

unjust Accusations were laid at the door of some Great People, at the Beginning, and towards the Middle of this Session ; and now at the End of it, the Publick is alarmed with the Report of another Design of a more dangerous Nature than either of those already mentioned. But as those former Reports have not prov'd true, so I doubt not but this will likewise vanish in the same manner. However, as I was ready to have appear'd in Publick on either of the former Occasions, if there had been a necessity for it ; so, if I am a little more forward in the present Affair, I hope the Importance of it will justify me : and if I should lose my labour, I shall however shew that good Intention for the Service of my Sovereign and my Fellow-Subjects, with which I have always expos'd my self at a dangerous Crisis.

It is affirm'd by some People, that a Bill will be offer'd to the House of Commons, in which the present 16 Peers of *Scotland* are to be made Hereditary, to the Exclusion of their Electors, and 9 more added upon the same foot ; and 6 more are to be added to the number of *English* Peers : and then the Crown is to be restrain'd from making any new Lords, but upon the Extinction of Families.

At first sight, this Proposal must appear very shocking : it carries with it so great an Alteration of the Constitution ; it implies so direct a Breach of the Union, and of natural Justice ; and encroaches so much upon the Prerogative of the Crown.

As to what relates to the *Scottish* Peerage, I must confess I am at a loss to say any thing to it. If the most solemn Contract betwixt two Nations is to be violated; if Persons are to be depriv'd of their Right without being heard, and without any pretence of Forfeiture; if those who have a power intrusted to them by their Principals only for a few Years, can seize it to themselves and their Posterity for ever; what use will be made of Power so acquir'd, I leave every one to judge.

The shutting up the Door of the House of Lords in the manner talk'd of, cannot but prove a great Discouragement to virtuous Actions, to Learning and Industry, and very detrimental to the House of Peers itself, by preventing such frequent Supplies from going into it as the Nature of such a Body requires; for want of which it may in time become corrupt and offensive, like a stagnated Pool, which hitherto has been preserv'd wholesom and pure by the fresh Streams that pass continually into it.

I am not unaware that it will be said, *That the frequent Extinctions of Families will salve this Inconvenience, and make room for the rewarding of Merit.* But this Expedient, I fear, is not much to be depended on; for the Uncertainty of the Time when the Crown will have any such Power, will make it much the same as if it was never to have it at all. Besides, it is to be consider'd, that the Patrons of this Proposal argue vehemently for it, *on account, that this will be a means to ease the Crown from the great Importunity of Pretenders to Peerage.* If so, it is certain in what manner

ner they will proceed in all Vacancies, which will be by filling them up instantly ; or else the Inconvenience wou'd be increas'd as to Importunity, and not diminish'd. This being the Case, it is very evident by what sort of People those Vacancies will be supply'd; undoubtedly by the Creatures and Relations of those Peers who have at that time the greatest Influence in the House, and whose Requests to the Throne will very much resemble Demands; and this Honour, in all probability, will only be thought proper for their own Families. An Instance of this we have in the Distinction of the Garter. At the first Institution of that Order, and till of late Years, several Commoners had the Honour (as the Reward of Merit) to be of that Noble Body : But at present, it wou'd be look'd upon as a high Presumption in any Commoner to pretend to it, let his Services be never so great.

But another Consequence, of a much higher nature, attending the Limitation of the Number of Peers, is the Danger there will be of changing the Constitution by this means into an Aristocracy : And this may at any time in such case be effected by the Confederacy of two or three great Families, which wou'd form such a Body amongst the Lords, as the Crown wou'd not be able to controul. That this kind of Government is one of the worst sorts of Slavery, is too well known to be disputed. In a Democracy a great many different Persons may come to have a Share of Power by several Incidents ; but in the other State it is Birth only that entitles to Superiority : and the Milk

such Nobles are nursed up with, is Hatred and Contempt for every Human Creature but those of their own imaginary Dignity.

These being some of the Inconveniencies and Hazards which naturally occur upon this Proposal, let us see what are the Advantages which on the other hand, it is said, will flow from it.

First, “ That this will be a Bar upon the Crown, and “ prevent the King upon the Throne from flinging in a “ great Number of Lords on a sudden, only to answer a “ present purpose, as the late Queen once did.”

Secondly, “ That it will be a means to keep Property “ or great Estates in the House of Commons, from whence “ they are generally drawn out into the House of Peers.”

These are said to be such plain Whig-Points, as no Whig can oppose.

Whiggism, if I understand it aright, is a Desire of Liberty, and a Spirit of Opposition to all Exorbitant Power in any part of the Constitution. Formerly the Danger on this account was from the Crown; but since the *Habeas Corpus Act*, and the many *Restraints* laid upon the Crown in King *William's* Time, and the great and numerous *Limitations* of the *Succession Acts*, the *Prerogative* of the Crown is reduc'd so low, that it is not at all dangerous to the Commons. Besides, the Crown has frequent occasions for the Assistance of the Commons; but the Lords never. The Lords are Judges of the Property of the Commons in the last Resort; and even in Cases where

where they themselves are concern'd, they have their *Actions de Scandalis Magnatum*, and exercise a Power of imprisoning, not confin'd within any very certain Boundaries. And therefore the chief Circumspection of the Commons ought to be employed at present, that those who have so much Power already, do not get more than the Commons will be able to withstand in any manner. I confess the making a great Number of Lords on a sudden has one Inconvenience: It may prevent some Good to the Publick, but cannot do any great Hurt, and is more grievous in its Consequences to the Crown than to the People. The encreasing the Number of Peers is always to be wish'd for by the Commons, because the greater their Number, the less considerable they become, and the less within the Influence of Court Favours; by which means alone Ministers are kept in awe, and remain in a Situation of being called to account for their Actions. Were it otherwise, they wou'd be out of the reach of any Accusation: They wou'd know exactly by whom they were to be tried, and their Judges might be their Accomplices. And shou'd this once come to be the Case, what might they not attempt with Impunity?

On the other hand, if their Lordships complain of the great Number of Peers as a Grievance to themselves, why are they desirous any more shou'd be made? If twelve at once was so bad a Precedent, what is fifteen, taking it in one Light? What is thirty one, if you take it in another?

If at the Union, sixteen *Scottish* Noblemen were found to be a just Proportion to represent their whole Nobility, what has happen'd since, to give reason to increase their Number to twenty five? Why may they not as well a few Years hence, especially if the Head of a Clan is to be taken in, who may not like the Set of Nobles at that time, demand to be made fifty, to give his Followers the Majority; and so from time to time continue to play the Game into each other's Hands, as long as there is one Nobleman left in *Scotland*, or any C-----l L-----t in *England*? If the Commoners of *England* are to be excluded from the House of Lords, why are they not excluded forthwith? It cannot be suppos'd that Titles *in petto* are kept on purpose to bribe Persons of Consequence in the House of Commons, to drive such a Bill through that part of the Legislature.

Upon the foot the Constitution has subsisted many Years, the Crown, in all great Emergencies relating immediately to it self, has been able to fence against the Lords, by adding to their Number, and against the Commons, by Dissolutions; and in like manner in Cases of Difference betwixt the two Houses. But if such a Law as is mentioned above, shou'd be made, and any Difference happen hereafter betwixt the Crown and the House of Peers, or betwixt the Two Houses of Parliament, the Crown may not have it in its power to influence the Lords in relation to its self, or in relation to the Commons. And therefore it must be the inevitable Consequence of
such

such a Misfortune, that both the Crown and the Commons must submit to the Lords. In former Times, the greatest Art and Care of the Crown and Ministers us'd to be the preventing of Jealousies and Differences betwixt the two Houses. This Proposal, I fear, wou'd be raising an implacable Animosity and Hatred, scarce ever to be reconciled.

The great Advantage that the Number of their Body cannot be increas'd, is at present the most valuable Privilege of the Commons, and the only thing that makes them considerable. The Lords are possess'd of many great Privileges that they will not permit the Commons to share with them; and therefore the Commons would be highly wanting to themselves, if they shou'd add this Advantage likewise to the Lords, which is the only one that they enjoy distinct from them.

It has been us'd as an Argument, by some People, for the increasing the Number of the Lords, " That the Crown " formerly increased the Number of the Commons, in " particular in Queen *Elizabeth's* Reign." But I desire it may be understood, that the sending Members to Parliament at that time was not desir'd as a Favour, but impos'd as a Burden. Queen *Elizabeth* erected several new Corporations; but then the Reason for it was, she reliev'd several antient and decayed ones from sending any Members at all. And how little this resembles the present Case, is easily perceiv'd.

The other Advantage which 'tis said will accrue from this Propofal, is, " That it will be a means to keep Property amongst the Commons."

I cannot fee that there is occafion for fo extraordinary a Step as this is, and accompany'd with fo many Evils, to procure us this Affurance. Property or Wealth in every Age flows fafter back to the Commons by the Extinction of Families, but much more by the want of Oeconomy in the Peers, than it is drawn from them by the Promotions of the Crown. Befides, we fee Eftates are often extinct before Families; and Property is very rarely increas'd in the Houfe of Peers. Indeed, if a Reftraining Bill fhould pafs, I do not doubt but it wou'd be foon follow'd with a Bill to prevent Lords from alienating their Eftates, for which many plaufible Reafons are to be produc'd: And then, without all difpute, the Balance of Property wou'd be foon turn'd on the fide of their Lordships.

Thefe are all the Arguments I have heard for this fupposed Bill; which is neither a Whig nor a Tory Point, but wou'd be a Scheme that might hereafter fet up some Nobles above the Crown and the Commons both. For as to what is commonly faid, That the Lords wou'd get nothing, no new Power wou'd be added to them by this means; I beg leave to ftate this Matter in a proper Light. Suppose the Balance to be now *even* betwixt the Lords and the Crown, as it certainly is, or elfe the Conftitution wou'd not fubfift in quiet; is it not plain to the moft common Capacity, that when two Scales are upon an equal Poife,

Poise, if you take any Weight out of one of them, you give the Advantage to the other, without putting any thing into it?

How dangerous it may prove to vary the Balance of Power in a limited Monarchy, we may learn from the Ruin of one of the best founded Governments amongst the Antients. The original Power, the *Ephori*, in the *Lacedæmonian* State, were invested with, besides that of being part of the Legislature, was chiefly the determining Law-Matters relating to private Contracts, and such-like Business. In the Absence of their Kings they compos'd the Regency: *Regum absentum vicarii erant*, is the Expression made use of by *Crag*s, *De Rep. Lac.* p. 76. But afterwards, upon the Diminution of the Regal Authority, (which indeed was voluntarily comply'd with by their King, as I shall shew by and by) their Power grew immense, *Eorum potestas in immensum aucta est.* *Crag*s, *ibid.*

They administer'd every Thing of consequence: They dispos'd of the publick Treasure: They influenc'd the Assembly of the People, and made them vote for Peace or War, as they thought fit; *Concionem populi Regebant; Bellum pacemq; Concionis suffragiis sciscebant.* *Ub. Em. des R. la* p. 293. They made or broke Treaties: They rais'd or disbanded the Army. In fine, they *had* or *usurp'd* the Right of rewarding or punishing whom and when they pleas'd. At last they took upon them to dethrone, or imprison, or execute their Kings themselves. *Theopompus*, King of *Sparta*, was advis'd against giving way to the Diminution

of the Royal Dignity, by which the Power of those Magistrates grew so great: But he declar'd he did it, to settle the Government by that means upon a more lasting Foundation: *Ut diuturniorem potestatem relinqueret.* Crags, p. 74.

This unwary Step prov'd fatal both to the Crown and the People, and ended in the Ruin of the Constitution. *Theopompus* was one of the most virtuous, most moderate, and most gracious Princes amongst all the *Spartan* Kings. It appear'd evidently by this very Instance of his Willingness to part with the Power of the Crown for the Good of his People: But for that very Reason the People shou'd not have suffered the Authority of the Crown to have been weaken'd, but shou'd rather have added to it, since Power cou'd not be lodg'd any where else, so much for their Safety and Advantage. When the Prince had no longer Force enough to restrain the many-headed Sovereignty, it bore down all that stood in its way, as we have heard; and in the end grew so insupportable, that the People, to be deliver'd from so vile a Slavery, submitted to the Usurpation of a private Person, who, to the Satisfaction of revenging them upon their Oppressors, added this single Act of Grace: [He wip'd off all the publick Debts at once.] *Ut Plebem demulseret, æs alienam universum delevit.* Em. p. 349. *Et Respublica in Tyrannidem conversa est.* Crags, p. 72.

Those who are desirous to consult the Author himself, whom I have chiefly quoted on this occasion, must have recourse to his Book of the *Lacedemonian* Government, printed

printed 1593. *apud Petrum Santandreamum*. It appears by the Dedication of this Treatise, that he was a Follower of the first Minister of the Court of *Denmark*, upon whom he solely depended to make his Fortune, *tuo patrocinio salus mea constituta*, Ep. D.—The Character *Ubbo Emmius*, a great Lawyer of that Age (who was a sort of Rival to my Author) gives of *Crags*, is, That he was a Person of great Boldness and Industry, *ausu & industriâ*, Pref. to *Des Re Græ*. but not so happy in his Judgment. But begging pardon for this Digression, which is only intended for the Curious, and to return to my Subject: There are other and more modern Instances, and living Historians of our own, who can satisfy us, that too great a Power in the hands of the Nobility, has brought on the Ruin of many Free Nations. This was the Case of *Sweden* a few Years ago, as appears plainly from the very ingenious Labours of a venerable Prelate of the present House of Peers. This was the Case of *Denmark*, of which a very accurate Account has been given by a Noble Lord of a neighbouring Kingdom, a Member of the House of Commons. Nothing can be better writ, or more instructive to any one that values Liberty, than the Narrative of that Tragedy in that excellent Treatise. I wish Gentlemen would see there, how Commoners were treated by the Nobility when they had the power over them. This Noble Lord will inform them, That “they laid heavy Impositions on the Commons at
“pleasure; which Weight they themselves would not
“touch with one of their Fingers.” And when the

Commons presum'd to complain, tho they were just come
“ from saving, from a Foreign Yoke, not only the capital
“ City of their Country, but the whole Kingdom, the
“ Royal Family, nay those very Nobles that dealt so
“ hardly by them :” I say, when the Commons ventur'd
to complain, let any *Englishman* but hear the Answer that
was given them : “ A principal Senator, *says his Lordship*,
“ stood up, and in great Anger told the President of the
“ City, That the Commons neither understood nor con-
“ sidered the Privileges of the Nobility, nor the true Con-
“ dition of themselves, who were no other than *Slaves*.”
The Commons, fir'd with Indignation at this Treatment,
and resolving, if they were to be *Slaves*, to be *Slaves* to
their Prince, rather than *Slaves* to their Fellow-Subjects,
instantly surrender'd all their Liberties to their King ; and
the Lords were forc'd to follow their example with so much
haste, that “ in four days time, that Kingdom was chang'd,
“ *says my noble and honest Author*, to as absolute a Monar-
“ chy as any in the whole World.”

In short, it has been for our antient Constitution that
we have struggled with so much Vigour for many Years to-
gether : 'tis for That we have pour'd out a River of *English*
Blood, and a Treasure unheard of in any former Age. This
Constitution may have its Imperfections ; but, faulty as it
is, our Ancestors have convey'd down Liberty to us thro
that Channel : and we ought to continue it on, as well
as we can, to our Posterity, and not give way to the
new-modelling Schemes of every extraordinary Genius.

It

It would certainly be new-modelling the Constitution in a great measure, to take a considerable part of what Power is left to the Crown, from the Crown, and by that means add very much to the Power of the Lords.

Besides, it is to be remember'd, that the Evil which may be brought upon the Commons by this means, will be irretrievable. Those Persons deceive themselves, who think, that if such a Law should prove destructive, it may be annull'd, *nothing being more usual than for one Parliament to repeal the Acts of another.* This is true in common Cases, because almost all Laws relate to every part of the Legislature, and any Inconvenience is felt in some measure by each of them: But this will be a Law which will relate chiefly, nay solely, to the Lords; and whatever Injury the Crown or the Commons may receive by it, their Lordships will be very sensible of the Advantage of it to themselves: and nothing can be more vain, than to imagine, that the Commons will be ever able to shake off any Exorbitant Power that the Lords shall be once possess'd of, unless it be by an universal Destruction, like those just mentioned, which will swallow Lords and Commons, and all Estates together. For which Reasons, this Project, if it should ever be offer'd to the Commons, is not only to be oppos'd with all the Zeal imaginable, but every Step, every Attempt towards it, is to be detested. He that gives the Power of Blood, is a Murderer; and he that gives the Power of Tyranny, is a Tyrant. I shall add but one word more: The greatest Traytor to Civil Society

Society that ever yet appeared, will be the same, if such a
one can be found, who shall contend for such a Bill,
should it be propos'd amongst the Commons, with the
Assurance in his Pocket of being a Peer as soon as the
Bill passes: And should he succeed, which God forbid, That
Honour which is to be the Reward of so base a Trea-
chery, will be a lasting Mark of Infamy to the Family
that bears it, whilst any Notion of Honesty remains a-
mongst Mankind.

F I N I S



